

REMARKS

Claims 1-23 are pending in the application. Claims 2 and 12 are cancelled herewith, and the subject matter incorporated into Claims 1 and 11. Claims 7 and 15-17 are amended to include the additional carboxylic acids already found in Claims 5 and 6, to make all listings of carboxylic acids consistent.

A Declaration of Inventor Christoph Gürtler is submitted under Rule 1.132.

Rejections Under 35 U.S.C. 103(a)

Claims 1-7 and 11-23 remain rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 5,580,947 to Brahm et al. Applicants respectfully traverse this rejection as it may apply to amended Claims 1 and 11.

As noted previously, Brahm teaches a process for making olefinically unsaturated isocyanates which are substantially free of acylurea (col.2, line 66), using the catalysts described at column 5, lines 1-15. None of the disclosed catalysts are metal salts of group IIA, group IIB, or lanthanide group elements. As now written, Claim 1 is directed to a process in which an isocyanate is reacted with an aliphatic, cyclic or aromatic carboxylic acid in the presence of a metal salt catalyst, the metal being a Group IIA, IIB or lanthanide element. Claim 11 is directed to the products of this process, namely, polyisocyanates containing acylurea groups. Brahm does not teach or remotely suggest the method of Claim 1, or the resulting products.

It is asserted in the previous Office Action that the catalysts of Brahm include all catalysts disclosed in DE 4032546, as stated at column 5, lines 28-37 of Brahm. Applicants respectfully point out that these catalysts are disclosed as suitable for accelerating the cross-linking process, once the products of the Brahm are used in coating compositions. These catalysts are not disclosed for use in accelerating the reaction of the isocyanate with the carboxylic acid.

Applicants submit herewith the Declaration of Inventor Christoph Gürtler. Under Dr. Gürtler experiments were conducted to compare polyisocyanates produced according to the methods of the present invention with polyisocyanates

produced according to the methods of Brahm. As shown in the Declaration, all products produced according to the invention (samples 1-3) had a color index of < 100 on the APHA scale, while products produced according to Brahm (samples 4-8) had a color index of greater than 100 on this scale. This result could not have been predicted, based on the teachings of Brahm. Brahm provides no guidance whatsoever on producing polyisocyanates containing acylurea groups that will not yellow. Applicants respectfully submit that Claims 1, 3-7, 11 and 13-23 are not obvious in view of Brahm and request withdrawal of this basis of rejection.

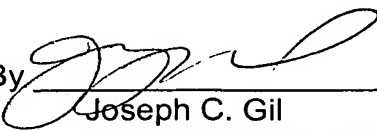
Claims 1-23 remain rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 3,970,600 to Falkenstein et al. in view of Brahm; and as obvious over U.S. Patent No. 4,616,061 to Henning et al. in view of Brahm. Applicants respectfully traverse this basis of rejection.

Applicants respectfully submit that Brahm cannot be combined with the secondary references, Falkenstein or Henning, to arrive at the present invention, particularly in view of the amendments to Claims 1 and 11 and the Declaration of Inventor Gürtler. None of the references provide the missing teaching, namely how to solve the problem of making polyisocyanates having acylurea groups colorless, and none of the references disclose the claimed catalysts. Applicants respectfully submit that Claims 1, 3-7, 11 and 13-23 are not obvious in view of the cited references and request that all §103 rejections be withdrawn.

CONCLUSION

For all of the above reasons, Applicants submit that Claims 1-21 are in condition for allowance; such action is respectfully requested at an early date.

Respectfully submitted,

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APPENDIX

Declaration of Christoph Gürtler, under 35 U.S.C. § 132.